

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Thomas W. Bakker

Appln. No. : 09/889,661

Filed : July 18, 2001

Title : PIPE HANDLING APPARATUS AND METHOD

Docket No. : S866.312-0005

Group Art Unit:

Examiner:

**PETITION FOR WITHDRAWAL OF HOLDING OF  
ABANDONMENT PURSUANT TO 37 C.F.R. §1.181(a)**

Mail Stop Petition

Commissioner For Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**SENT VIA EXPRESS MAIL**

Express Mail No.: EV 302263793 US

Sir:

**Petition**

Applicant respectfully petitions to withdraw the holding of abandonment communicated in the Notice of Abandonment mailed February 27, 2004.

**Reasons**

The Notice of Abandonment mailed February 27, 2004 states that the above-identified application is abandoned for failure to timely or properly reply to the Notification of Missing Requirements mailed on August 29, 2001. The Notice of Abandonment states that no reply to the Notification of Missing Requirements was received. However, Applicant timely and properly replied to the Notification of Missing Requirements on October 16, 2001, by Express Mail.

Applicant further petitions, under 37 C.F.R. §1.10(e) to the Director to consider the reply of October 16, 2001 to be filed in the Office on that date. As required, Applicant includes a copy of the following documents from the October 16, 2001 response:

1. Check in the amount of \$170.00;

**Best Available Copy**

2. Fee Transmittal;
3. Declaration and Power of Attorney;
4. Response to Notice to File Missing Parts;
5. Executed Assignment and Recordation Form Cover Sheet;
6. Notification of Missing Requirements;
7. Mail Receipt dated October 16, 2001; and
8. Return postcard from U.S.P.T.O. acknowledging the October 16, 2001 response.

The listed correspondence was deposited on October 16, 2001. The copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of the returned postcard receipt, and all official notation entered by the U.S.P.S. are true copies of the originally mailed correspondence, the original "Express Mail" mailing label, the return postcard receipt, and the official notation entered by the U.S.P.S. Further, Applicant respectfully notes that the returned postcard from the U.S. PTO's Office of Initial Patent Examination acknowledges receipt of the timely and proper response of October 16, 2001.


**Conclusion**

In view of the foregoing, Applicant respectfully request withdrawal of the holding of abandonment. It is believed that no fee is required. M.P.E.P. §711.03 (c)(I).

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 4/6/04

By: 

Alan M. Koenck, Reg. No. 43, 724  
THE KINNEY & LANGE BUILDING  
312 South Third Street  
Minneapolis, MN 55415-1002  
Telephone: (612) 339-1863  
Fax: (612) 339-6580

09/889661 ✓

5071

INTERNATIONAL APPLICATION NO. PCT/US99/000037 ✓

KINNEY & LANGE  
THE KINNEY & LANGE BUILDING  
312 SOUTH THIRD STREET  
MINNEAPOLIS MN 55415-1002

I.A. FILING DATE 01/19/98 PRIORITY DATE 01/19/99 ✓

D: 10-29-01 + 2-28-2002-8896

08/29/01

DATE MAILED:

# **NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- |                                                                                                                          |                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.                                                             | <input type="checkbox"/> Indication of Small Entity Status.                         |
| <input checked="" type="checkbox"/> Copy of the international application.                                               | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s).                                                            | <input type="checkbox"/> Translation of Article 19 amendments into English.         |
| <input type="checkbox"/> Copy of Article 19 amendments.                                                                  | <input type="checkbox"/> Other:                                                     |
| <input checked="" type="checkbox"/> Priority Document.                                                                   |                                                                                     |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. |                                                                                     |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English.        |                                                                                     |
2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- ☐ U.S. Basic National Fee. ☐ Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed: ☐ PCT/DO/EO/917  
☐ PTO-875

☐ Notice of Defective Translation  
☐ PCT/DO/EO/920

Lamont Hunter, Paralegal



04-07-04

DAE #4

DT07 Rec'd PCT/PTO U 6 APR 2004

THE UNITED STATES PATENT AND TRADEMARK OFFICE	
First Named Inventor : Thomas W. Bakker	Group Art Unit: Examiner:
Appln. No. : 09/889,661	
Filed : July 18, 2001	
Title : PIPE HANDLING APPARATUS AND METHOD	
Docket No. : S866.312-0005	

### EXPRESS MAIL COVER SHEET

Mail Stop Petition  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SENT VIA EXPRESS MAIL**  
Express Mail No.: EV 302263793 US

Sir:

The following papers are being transmitted via **EXPRESS MAIL** to the U.S. Patent and Trademark Office on the date shown below:

1. Postcard;
2. Petition for Withdrawal of the Holding of Abandonment;
3. Part 2 of the Notice of Abandonment;
4. A copy of the check for \$170.00 filed on October 16, 2001;
5. A copy of the Fee Transmittal filed on October 16, 2001;
6. A copy of the Declaration and Power of Attorney filed on October 16, 2001;
7. A copy of the Response to Notice to File Missing Parts;
8. A copy of the Executed Assignment & Recordation Form Cover Sheet filed on October 16, 2001;
9. A copy of the Notification of Missing Requirements filed on October 16, 2001;
10. A copy of the Mail Receipt dated October 16, 2001; and
11. A copy of the return postcard acknowledging the October 16, 2001 response.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date:

4/6/04

By

*Alan M. Koenck*

Alan M. Koenck, Reg. No. 43,724  
THE KINNEY & LANGE BUILDING  
312 South Third Street  
Minneapolis, MN 55415-1002  
Telephone: (612) 339-1863  
Fax: (612) 339-6580



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/889,661		Thomas W. Bakker	W422.312-6

Kinney & Lange  
 The Kinney & Lange Building  
 312 South Third Street  
 Minneapolis, MN 55415-1002

CONFIRMATION NO. 7397

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011982925\*

Date Mailed: 02/27/2004

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/29/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named  
Inventor : Thomas Walburgis Bakker et al.  
Appln. No. : 09/889,661  
Filed : July 18, 2001  
Title : PIPE HANDLING APPARATUS AND METHOD  
Docket No. : W422.312-0006

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF APPLICATION - FILING DATE GRANTED  
UNDER 37 C.F.R. 1.53(f) AND 1.16(e)**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

SENT VIA EXPRESS MAIL

Express Mail No.: EL800726262US

**EL800726262US**

Sir:

In response to the Notice to File Missing Parts of Application - Filing Date Granted dated August 29, 2001, Applicant encloses the following documents to complete the above-identified patent application filed July 18, 2001:

1. A check in the amount of 170.00 to cover the surcharge fee of \$130.00, and to cover the recording fee of \$40.00.
2. Declaration and Power of Attorney executed by the inventor(s).
3. Executed Assignment of the invention to Well Engineering Partners B.V., and Recordation Form Cover Sheet.
4. Notice to File Missing Parts of Application-Filing Date Granted.

The Commissioner is authorized to charge payment of any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: October 16, 2001

By: 

Jeffrey D. Shewchuk, Reg. No. 37,235  
THE KINNEY & LANGE BUILDING  
312 South Third Street  
Minneapolis, MN 55415-1002  
Telephone: (612) 339-1863  
Fax: (612) 339-6580

JDS:beh

KINNEY & LANGE  
PROFESSIONAL ASSOCIATION

Comm. of Patents and Trad Check date 10/02/2001

\$170.00

Inv.Date Inv.No. Invoice Description  
10-02-01 JDS:beh W422.312-0006

Amount  
170.00



Requested by: beh  
U.S. BANK MINNEAPOLIS

# 1504653

Total Paid:

\$170.00

**KINNEY  
& LANGE**  
A PROFESSIONAL ASSOCIATION

THE KINNEY & LANGE BUILDING  
312 SOUTH 3RD STREET  
MINNEAPOLIS, MINNESOTA 55415-1002  
(612) 339-1863

US BANK  
17-2-910

1504653

One Hundred Seventy and No/100 Dollars-----

DATE

AMOUNT

10/02/2001

\$170.00

Comm. of Patents and Trademarks

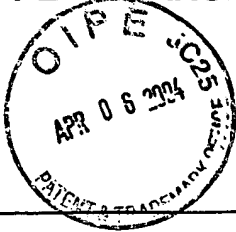
PAY  
TO THE  
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OF

A handwritten signature in dark ink, appearing to read "J. M. Fairbank", with a horizontal line underneath it.

⑈ 1504653 ⑈ ⑆091000022⑆ 160234418244⑈



# FEE TRANSMITTAL



Complete if Known

Application No. 09/889,661  
 Filing Date July 18, 2001  
 First Named Inventor Thomas W. Bakker et al.  
 Group Art Unit  
 Examiner Name  
 Atty. Docket Number W422.312-0006

Total Amount of Payment \$170.00

## METHOD OF PAYMENT (Check One)

1. ☒ The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any over payments to Deposit Account No. 11-0982.

2. ☒ Check Enclosed

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
101	710	201	355	<input type="checkbox"/> Utility Filing Fee
106	320	206	160	<input type="checkbox"/> Design Filing Fee
108	710	208	355	<input type="checkbox"/> Reissue Filing Fee
114	150	214	75	<input type="checkbox"/> Prov. Filing Fee

Subtotal (1) \$

### 2. EXTRA CLAIM FEES

	Number Claims	Prior**	Extra	Fee from Below	Fee Paid
Total	*	*	X	*	*
Indep.	*	*	X	*	*
Multiple Dependent Claims				*	*

\*\*Insert 3 and 20, or number previously paid if greater; Reissue see below

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple Dependent Claim
109	80	209	40	Reissue Independent Claims Over Original Patent
110	18	210	9	Reissue claims in excess of 20 and over original patent

Subtotal (2) \$

## FEE CALCULATION (Continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - Late filing fee or oath	X
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	*
139	130	139	130	Non-English specification	*
147	2,520	147	2,520	For Filing a Request for Reexamination	*
115	110	215	55	Extension for reply within first month	*
116	390	216	195	Extension for reply within second month	*
117	890	217	445	Extension for reply within third month	*
118	1,390	218	695	Extension for reply within fourth month	*
128	1,890	280	945	Extension for reply within fifth month	*
120	310	220	155	Filing a brief in support of an appeal	*
121	270	221	135	Request for oral hearing	*
148	110	248	55	Terminal Disclaimer Fee	*
140	110	240	55	Petition to revive - unavoidable	*
141	1,240	241	620	Petition to revive - unintentional	*
142	1,270	242	650	Utility/Reissue issue fee (inc. advance copies)	*
143	470	243	250	Design issue fee (inc. advance copies)	*
122	130	122	130	Petitions to the Commissioner	*
123	50	123	50	Petitions related to provisional applications	*
126	180	126	180	Submission of Information Disclosure Statement	*
581	40	581	40	Recording each patent assignment per property (times number of properties)	X
179	710	279	355	Request for Continued Examination (RCE)	*

Other fee (specify) \_\_\_\_\_

Subtotal (3) \$170.00

Signature

*Jeffrey D. Shewchuk*  
 Jeffrey D. Shewchuk  
 October 16, 2001

Reg. No. 37,235

Date

Deposit Account No. 11-0982



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Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight lbs. <b>4</b> ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <b>W</b>	Total Postage & Fees \$ <b>12.45</b>

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PHONE ( )

Jeffrey D. Shewchuk  
KINNEY & LANGE PA  
THE KINNEY & LANGE BUILDING  
312 S 3RD ST  
MINNEAPOLIS MN 55415-1002

**TO: (PLEASE PRINT)**

PHONE ( )

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PATENTS  
WASHINGTON DC 20231-0001

W422.312-6

#44

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106



Receipt is hereby acknowledged by the Assistant Comm. for Patents  
of the following items in File No. W422.312-6

Applicant : Thomas W. BAKKER et al.  
Serial No. : 09/889,661  
Filed : July 18, 2001  
Title : PIPE HANDLING APPARATUS AND METHOD  
Docket No. : W422.312-6



1. Check in the amount of \$170.00
2. Fee Transmittal
3. Response to Notice to File Missing Parts of Application
4. Declaration and Power of Attorney
5. Recordation Form Cover Sheet with Assignment
6. Notification of Missing Requirements

JDS:beh

October 16, 2001

W422.312-6

JC10 Rec'd PCT/PTO 16 OCT 2001



Kinney & Lange, P.A.  
The Kinney & Lange Building  
312 South Third Street  
Minneapolis, MN 55415-1002

RECEIVED  
OCT 30 2001  
KINNEY & LANGE, P.A.



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